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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,387	12/16/2003	Gerhard Stotz	AO691B	5382
7590	02/18/2005		EXAMINER NATALINI, JEFF WILLIAM	
Arthur G. Schaier Carmody & Torrance LLP 50 Leavenworth Street P.O. Box 1110 Waterbury, CT 06721-1110			ART UNIT 2858	PAPER NUMBER

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/737,387

Applicant(s)

STOTZ, GERHARD

Examiner

Jeff Natalini

Art Unit

2858

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1-3 have handwritten numbers and words, that make the drawing hard to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

Claims 5 and 11 are objected to because of the following informalities:

- In the second line of both claims it is stated "rotor is to rotated based ...", this should be replaced with "rotor is to be rotated" or something similar. Also this statement is unclear as claim 4 (which claim 5 depends from) that the rotator is rotated between orientations in a period less than the predetermined period, then it is determined whether the rotor is to be rotated based on the period. But the rotator is already rotating between orientations from claim 4, and how is the predetermined period going to determine whether the rotator is going to be rotated? If the predetermined period is too long, short? Will be examined as best understood.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyauchi (6385133).

In regard to claims 1 and 7, Miyauchi discloses a method/device for measuring an external field and displaying indicia related to the measurement (col 2 line 6-9), wherein the electronic device generates a first internal field and at least a second internal field (col 2 line 36-49; also seen in col 2 line 6-9), wherein the method comprises the steps of: measuring the external field when the electronic device is generating the first internal field (col 2 line 39-41; at rest the internal field represents the first internal field, a permanent magnet will produce an internal field even when the driver is at rest); and only displaying indicia related to measurements taken while the electronic device is generating the first internal field (col 3 line 4-8; fig 9).

In regard to claims 2 and 8, Miyauchi discloses calibrating the electronic device by measuring or determining the first internal field, wherein the measured or determined first internal field is offset from the measured external field prior to displaying indicia related to the measured external field (col 2 line 41-49).

In regard to claims 3 and 9, Miyauchi discloses wherein the first internal field is generated by a rotor of a stepping motor being in a first orientation (rest), and the at

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least second internal field is generated by the rotor of the stepping motor being in a second orientation (would refer to the rotor when it is not at rest), wherein the method comprises the steps of: determining whether the rotor is in the first orientation before measuring the external field and if so, measuring the external field; and if not, causing the rotor to rotate into the first orientation prior to measuring the external field (fig 11; col 10 line 22-40).

In regard to claims 4 and 10, Miyauchi discloses wherein the rotor is rotatable from the first orientation to the second orientation in a predetermined period (fig 11 starts from 0° and rotates through to 180°; col 8 line 5-7) and is further rotatable from the second orientation to the first orientation in the predetermined period (col 8 line 8-9), wherein the method comprises the steps of: causing the rotor to be rotated from the second orientation into the first orientation in a period that is less than the predetermined period (col 8 line 4-14).

In regards to claim 5 and 11, Miyauchi discloses determining whether the rotor is to rotated based on the predetermined period (col 8 line 9-11; a current flows every 1 second, and this current determines rotation); determining whether the rotor was caused to be rotated from the second orientation into the first orientation in the period that is less than the predetermined period (col 8 line 9-14; period of current is 1 second, and the period from the first to the second orientation is .1 seconds, so the period of change is less then the predetermined period); and if so: not rotating the rotor until the next predetermined period (the rotator will not be rotated until the current flows again in the next predetermined period (1second); col 8 line 5-13).

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In regard to claim 6, Miyauchi discloses wherein the predetermined period is at least essentially one second (col 8 line 5-13).

In regard to claims 12 and 13, Miyauchi discloses wherein the electronic device is a timepiece (fig 3 col 3 line 65-67) and the external field is a magnetic field (col 2 line 38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyauchi (6385133) in view of Moser et al. (5883861).

Miyauchi discloses wherein the stepping motor is operatively coupled to display hands for displaying time information (fig 3 (35a,b,c)).

Miyauchi lacks wherein a LCD displays indicia relating to the measurement.

Moser et al. discloses an LCD for displaying indicia relating a compass direction in a wrist watch (fig 1 (22); col 4 line 34-36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made for Miyauchi to incorporate a LCD display for displaying indicia in order for the person wearing the watch to be able know their position with respect to magnetic north (col 4 line 35-40).

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato (6817106) discloses a watch/compass that has an internal magnetic field that is able to reset the sensor by producing a magnetic field at different intervals (multiple magnetic fields) before terrestrial magnetism is detected. Bornand (5721713) discloses a watch that is able to detect direction of magnetic field. Choi et al. (6429651) teaches inducing internal magnetic fields that enable the magnitude of the external magnetic field to be obtained.

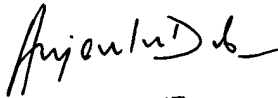
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Natalini whose telephone number is 571-272-2266. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeff Natalini



  
**ANJAN DEB**  
**PRIMARY EXAMINER**